REMARKS/ARGUMENTS

The applicant acknowledges, with thanks, the Office Action dated December 23, 2008. Examiner's consideration of applicant's arguments filed October 17, 2008, is noted with appreciation. Claims 2 and 9 were canceled. Accordingly, claims 1, 3-8, 10-29, and 31-32 are currently pending.

No new matter has been added. For example, the inserting of an address identifier within the notification message, wherein the address identifier indicates an availability of the address within the notification message was disclosed in the published application at paragraphs [0010], [0044], [0045], and [0067].

Also, the determining, by the content subscriber, a recognition of the address identifier is not new matter as it is disclosed in these paragraphs as well. Still further, subscribing to the presence information using the one-to-many transmission channel based on recognizing the address identifier resulting in the content subscriber receiving the presence information from presence server of the system by the one-to-many transmission channel in these paragraphs also.

In addition, Figure 3 shows address identifiers 70-1 - 70-P associated with respective addresses 38-1 – 38-M.

Reconsideration of the application as amended is respectfully requested.

The Non-Art Matters

With reference once again to the Office Action dated December 23, 2008, claims 1-29 and 31-32 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

The Examiner took the position that the claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner cited to claim 1 as an example which recites *"In a computerized device,* a method..., in accordance with the notification message, subscribing to the presence information using the one-to-many transmission channel resulting in the content subscriber receiving presence information *from the computerized device* by the one-to-many transmission channel." (Emphasis in original). The

Examiner questioned that if the method steps is carried out *in the computerized device,* as stated in the preamble, how can the step of "in accordance with the notification message, subscribing to the presence information using the one-to-many transmission channel resulting in the content subscriber receiving presence information *from the computerized device* by the one-to-many transmission channel" be performed to receive presence information from itself. The Examiner took the further position that this step is not carried out by the computerized device.

Claims 8, 15, 16, 17, 22, 27 and 28 were noted as containing, according to the Examiner, the same alleged logical error.

Applicant has tendered an amendment to each of independent claims 1, 8, 15, 16, 17, 22, 27 and 28 above. It is respectfully submitted that those claims as amended are in condition for allowance under 35 U.S.C. §112, first paragraph. As an example, independent claim 1 has been amended to delete the "computerized device" language. That claim recites a method for allowing a content subscriber to access the presence information in a system for distributing presence information. The system includes the content subscriber and a presence server. No new matter has been added as an embodiment of a presence system 20 is shown in Figure 1, wherein the system includes a presence server 30 and at least one content subscriber 32.

Independent claim 8 retains the "computerized device" language as it is directed to a computerized device operable with an associated content subscriber such as shown in an embodiment, for example, in Figure 6. Other portions of claim 8 were amended, however, to further clarify the claim

Other independent claims are directed to the content subscriber or a method operated on or by a content subscriber. For example, independent claim 17 recites a method for accessing presence information comprising transmitting a first subscription request for the presence information to an associated computerized device and receiving, in response to transmitting the subscription request, a notification message from the associated computerized device, the notification message including address identifier indicating the availability of the address within the notification message. It is determined whether the address identifier within the notification message is recognized, and, based on the recognizing of the address identifier in the notification message, a second subscription request for the presence information is transmitted using the one-to-many transmission channel, wherein transmission of the second subscription request results in

receiving the presence information from the associated computerized device by the one-to-many transmission channel.

The other independent claims were amended as well to clarify the claims and for purposes of responding the Examiners comments with regard to 35 U.S.C. §112, first paragraph and compliance with the enablement requirement.

For at least the above reasons, it is respectfully submitted that all pending claims are in condition for allowance under 35 U.S.C. §112, first paragraph.

The Art Matters

With reference yet once again to the Office Action dated December 23, 2008, claims 1, 3, 7-8, 10, 14-17, 22, 24, and 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Background of the Specification (*hereinafter*, "AAPA") in view of U.S. Patent Application Publication No. 2003/0083046 to Mathis (*hereinafter*, "Mathis"). Claims 2, 9, 18, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA and Mathis as applied to claims 1, 8, 17, and 22, and further in view of U.S. Patent Application Publication No. 2004/0098491 to Costa-Requena et al. (*hereinafter*, "Costa"). Claims 4 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA and Mathis as applied to claims 1 and 8, and further in view of U.S. Patent Application Publication No. 2003/0115283 to Barbir et al. (*hereinafter*, "Barbir"). Claims 5 and 12 stand rejected under §103(a) as being unpatentable over AAPA, Mathis, and Barbir as applied to claims 4 and 11, and further in view of U.S. Patent Application Publication No. 2003/0217099 to Bobde et al. (*hereinafter*, "Bobde"). Claims 6, 13, 19, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA and Mathis as applied to claims 1, 8, 17, and 22, and further in view of U.S. Patent No. 6,813,501 to Kinnunen et al. (*hereinafter*, "Kinnunen"). Claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA, Mathis, and Kinnunen as applied to claim 6, and further in view of Bobde and U.S. Patent Application Publication No. 2004/0158608 to Friedman (*hereinafter*, "Friedman"). Claims 31-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA and Mathis as applied to claims 1 and 8, and further in view of U.S. Patent No. 6,122,372 to Hughes (*hereinafter*, "Hughes"). In view of the amendments and arguments set forth below, it is submitted that all pending claims are patentably distinct over the art of record.

For purposes of review, the present application is directed to a presence server, a content subscriber, a method, and to a server/subscriber system for providing presence information to content subscribers via unicast and/or multicast transmission of the presence information. In a case where the presence server receives, from a subscriber, a subscription request for presence information on a unicast channel having a relatively large number of subscribers, the presence server selectively directs the content subscriber to a multicast transmission channel. The content subscriber, in turn, accesses the presence information via the multicast transmission channel. By directing content subscribers toward the multicast transmission channel, the presence server conserves connection resources associated with the presence system, thereby allowing the presence system to distribute presence information with a relatively high level of speed and efficiency. Furthermore, by directing content subscribers toward the multicast transmission channel, the presence server minimizes the costs associated with adding new subscribers to the presence system.

In one embodiment such as described at paragraph [0010] for example, the computerized device such as the content server inserts an address identifier within the notification message. The address identifier indicates the availability of the address within the notification message and allows the content subscriber to either utilize or disregard the address within the notification message based upon the content subscriber's ability to recognize the address identifier.

As described at paragraph [0044] and as shown in the embodiment of Figure 3, a presence system 20 includes a presence server 30 configured to insert an address identifier 70 within the notification message 36. The address identifier 70 indicates to the content subscriber 32-1 the availability of the address 38 within the notification message 36. For example, the address identifier 70, in one arrangement, is a tag associated with an Extensible Markup Language (XML)-based format, such as the Presence Information Data Format. Insertion of the address identifier 70 within the notification message 36, therefore, allows the content subscriber 32-1 to either utilize or disregard the address 38 within the notification message 36 based upon the content subscriber's 32-1 ability to recognize the tag or address identifier 70. For example, assume the content subscriber 32-1 receives the notification message 36 having the address identifier 70 and examines the address identifier 70. In the case where the content subscriber 32-1 recognizes or identifies the address identifier 70, the content subscriber 32-1 utilizes the address 38 to transmit the second subscription request 34-2 for presence information 24 using the

one-to-many transmission channel 40. In the case where the content subscriber 32-1 does not recognize or identify the address identifier 70, the content subscriber 32-1 disregards the address. In one arrangement, by disregarding the address 38, the content subscriber 32-1 maintains the subscription for presence information 24 with the user device 22 and receives updates as to the presence information 24 from the user device via one-to-one (e.g., unicast) transmission of notification messages 36 through the network 28.

Without conceding that the art of record including the alleged AAPA and/or Mathis teaches or suggests the subject matter of the pending claims., applicant has tendered amendments to each of independent claims 1, 8, 15, 16, 17, 22, 27 and 28 wherein the notification message includes an address identifier and wherein, when the address identifier is recognized by the content subscriber, a subscription to receiving the presence information from the presence server using the one-to-many channel is made, and thereafter, the presence information may be received by the content subscriber using the one-to-many transmission channel.

On page 9 of the Office Action, the Examiner conceded that "AAPA and Mathis did not specifically teach that the address identifier to indicate the availability of the address within the notification message." For this teaching the Examiner cited Costa wherein, according to the Examiner, Costa taught at paragraph [0028] thereof "to indicate the availability of the presence information and the address of the presence information."

Applicant respectfully disagrees with the Examiner that Costa teaches indicating an availability of presence information and/or the address of the presence information. In particular, paragraph [0028] of Costa is repeated herein and wherein it is described:

> After receiving the subscription with this mechanism, in embodiments the presence server is able to compose the presence structure including a summary of the presence information. This presence structure may include identification, name, or other description (of presence tuples according to IETF presence structure, presence attributes according to Wireless Village presence structure or any alternative presence data format) of available information that the terminal or watcher is able to subscribe to.

In general, Costa discloses a system wherein a method of accessing presence information is provided in a communication system including an application client and an application server.

The disclosed method only includes the steps of transmitting, from the application client, a request for presence information; receiving, at the application server, the request for presence information; compiling, at the application server, a summary of the presence information available for the application client; transmitting, from the application server, the summary; receiving the summary at the application client, selecting from said summary, at the application client, any desired presence information; selectively transmitting, from the application client, a request for any selected presence information; receiving, at the application server, the request; compiling, at said applications server, the presence information associated with said request; transmitting, from the application server, the presence information; and receiving, at the application client, the presence information. According to Costa, this enables a subscriber to receive a summary of the presence information that the user may subscribe to if the user desires to later receive the full presence information based on the abbreviated summary information describing the presence information.

Also according to Costa, this helps to minimize the traffic exchanged over a radio interface. In the case of presence services, it is possible for the user terminal (i.e. the watcher) to select only the data (i.e. the presence information) that the user is interested in. The mechanism according to embodiments of Costa allows the terminal (the watcher) to subscribe to the presence of any user (presentity) and indicate that the subscriber wants merely to receive a summary of the presence information. The summary of the presence information may include, in various embodiments, names, identifications, or some type of description of available (elements) of presence information.

Thus, the paragraph sited by the Examiner only teaches the presence structure composed to include a summary of the presence information available to the user.

This falls short of teaching or suggesting insertion of an address identifier 70 such as shown in the example embodiment in Figure 3 within a notification message 36, thereby allowing a content subscriber 32-1 to either utilize or disregard the address 38 within the notification message 36 based upon the content subscriber's 32-1 ability to recognize the tag or address identifier 70.

Further, this falls short of teaching or suggesting inserting an address identifier within the notification message, the address identifier indicating the availability of the address within the notification message, wherein the address identifier allows the content subscriber to either utilize

or disregard the address within the notification message based upon the content subscriber's ability to recognize the address identifier as described at paragraph [0010] of the present application..

Each of independent claims 1, 8, 15, 16, 17, 22, 27 and 28 have been amended herein to clarify the address identifier inserted into the notification message and the use of the address identifier by the content subscriber to subscribe to the presence information using the address indicated by the notification message when the address identifier is recognized by the content subscriber.

For example and with reference to claim 1, none of the art of record including Costa teaches an address identifier which may be recognized by a content subscriber and when recognized by the content subscriber, the subscriber may subscribe to receive presence information using a one-to-many transmission channel designated by an address associated with the address identifier. The method in claim 1 is in a system for distributing presence information and allows a content subscriber to access the presence information. The method comprises receiving from the content subscriber on a one-to-one transmission channel, a subscription request for the presence information, and inserting an address within a notification message in response to receiving the subscription request, the address within the notification message directing the content subscriber to a one-to-many transmission channel to receive the presence information transmitted using the one-to-many transmission channel. Further, an address identifier is inserted within the notification message, the address identifier indicating an availability of the address within the notification message. The notification message is transmitted to the content subscriber using the one-to-one transmission channel, the address of the notification message allowing the content subscriber to subscribe to the presence information using the one-to-many transmission channel. The content subscriber determines whether the address identifier is recognized. In accordance with a recognition of the address identifier within the notification message, the presence information is subscribed to using the one-to-many transmission channel resulting in the content subscriber receiving the presence information from a presence server of the system by the one-to-many transmission channel.

Costa does not teach suggest or disclose this featured use of the address identifier for indicating the availability of the address within the notification message and wherein the address identifier allows the content subscriber to either utilize or disregard the address within the

notification message based upon the content subscriber's ability to recognize the address identifier.

It is respectfully submitted that none of the art of record addresses these deficiencies of the alleged AAPA, Mathis, or Costa.

Barbir only teaches redirecting requests, wherein an address of the neighbor peer is appending to the previous address such that each peer receiving the request knows where the request came from and where it has been previously.

Bobde only teaches a method and system for aggregating presence information generated by multiple devices associated with a single user is presented. In the method a request for the computing device to be registered to facilitate network telephony is received from a computing device of a user. The computing device is one of a plurality of computing devices of the user, and the computing device is capable of transmitting information regarding the presence of the user on the network. It is determined if there is another computing device of the user already registered to facilitate network telephony. Then, based on the determining step, the registration of the already-registered computing device is revoked.

Kinnunen only teaches a system for providing services to mobile terminal devices wherein a server receives location information from a mobile terminal device and determines whether the location information provides a basis for providing the service.

Hughes only teaches a system and method for encapsulating transaction messages with verifiable data generated identifiers. In general, the message is encapsulated with a verifiable message identifier and with message interpretation identifiers that verifiably identify message interpretation files used to interpret the message. When a receiver of the message finds a message interpretation file that hashes to a specified message interpretation file identifier, the receiver can be certain that the found message interpretation file is identical to the message interpretation file specified by the sender of the message. Likewise, both parties can confirm that message identifier belongs with an encapsulated message.
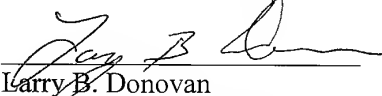
For at least the above reasons, it is respectfully submitted that all pending claims are novel, patentably distinct and unobvious over the art of record.

In accordance with the afore-noted amendments and comments, it is submitted that all claims are patentably distinct over the art, and in condition for allowance thereover. An early allowance of all claims is respectfully requested.

If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/00506.

Respectfully submitted,

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